



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

MEETING DATE November 12, 2015	CONTACT/PHONE Megan Martin mamartin@co.slo.ca.us (805) 781-4163	APPLICANT Earl and Janet Moon	FILE NO. DTM2015-00003
DETERMINATION DATE October 29, 2015			
SUBJECT Determination of conformity with the General Plan for the vacation of Whitby Street (a paper street) between Langton and Romney Drive located approximately 425 feet north of the intersections of Ardath and Romney Drive and Ardath Drive and Langton Street. The request is in response to an application submitted by Earl and Janet Moon, owners of the properties on either side of Whitby Street. The project site is located in the Residential Single Family land use category within the community of Cambria in the North Coast Planning Area.			
RECOMMENDED ACTION Receive and file the determination that the proposed vacation is in conformity with the County General Plan.			
ENVIRONMENTAL DETERMINATION This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Geologic Study Area, Coastal Zone, Terrestrial Habitat	ASSESSOR PARCEL NUMBER N/A – County Right of Way	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: North Coast Planning Area – Terrestrial Habitat			
LAND USE ORDINANCE STANDARDS: Section 23.07.176 – Terrestrial Habitat Area			
EXISTING USES: Vacant and undeveloped county road			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / Residences East: Residential Single Family / Residences South: Residential Single Family / Residences West: Residential Single Family / Residences			
TOPOGRAPHY: Generally level			
PROPOSED SERVICES: Water Supply: N/A Sewage Disposal: N/A Fire Protection: N/A			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

PROJECT DESCRIPTION

The proposed project is a request for the vacation of the County's road easement constituting Whitby Street on behalf of a request submitted by Earl and Janet Moon (September 29, 2015). Whitby Street is currently undeveloped. Vegetation consists of Monterey Pines and non-native grasses.

Whitby Street is the east-west connector between Romney Drive and Langton Street, located approximately 425 feet north from the intersections of Langton Street and Ardath Drive and Romney Drive and Ardath Drive (Attachment 1 – Graphics). As proposed, the entire vacation of Whitby Street would occur.

The County of San Luis Obispo Department of Public Works submitted a letter of support for the applicant's request for the partial road vacation (September 9, 2015). The vacation effectively eliminates the public interest in that portion of Whitby Street, leaving the underlying ownership (the applicants) without the legal obligation to allow public access.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed within an unincorporated area, the proposal must be evaluated for consistency with the General Plan before the action is authorized. Pursuant to Government Code Section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code Section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the county General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.

Staff Response: Whitby Street is a paper road, undeveloped with dense Monterey Pines and non-native grasses. It is not currently used for public access by the neighborhood that surrounds it. The vacation of Whitby Street will not interfere with the opportunity to develop or access surrounding properties because adjacent residences can still be accessed from a county maintained road (Langton Street and Romney Drive). The vacation is supported by Public Works and complies with the pertinent policies, General Plan elements, and the North Coast Planning Area Standards because the applicants have formally requested the existing county road easement (Whitby Street) be vacated.

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan element.

Staff Response: The proposed project is consistent with the goals and policies of the Land Use Element because adjacent properties will have direct and legal access from a public road (Langton Street or Romney Drive).

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

Staff Response: Not applicable.

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

Staff Response: The abandonment (also known as vacation) will not interfere with the opportunity to develop or access adjacent properties. Currently, Whitby Street provides no vehicular access or connectivity from Langton Street to Romney Drive because the area to be vacated is covered with dense Monterey pine and non-native grasses. The abandonment of County property will effectively eliminate public interest in the entirety of Whitby Street.

DETERMINATIONS AND FINDINGS

The proposed vacation is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. Surrounding properties are zoned Residential Single Family and are currently developed with residences. The vacation will not eliminate these uses but will allow adjacent property owners to absorb the underlying property to potentially expand the existing uses.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating Public Road easement ownership to the adjoining private property owner (the applicants) is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. Any future development would require further review and an environmental determination. Such development would be reviewed for compliance with applicable general plan policies and land use ordinance standards, and would require an environmental determination in accordance with the California Environmental Quality Act (CEQA).
- D. The vacation of the County's road easement constituting Whitby Street will not conflict with the applicable sections of the General Plan because the residential properties will continue to have safe access to their homes via Langton Street and Romney Drive, both county maintained roads.

Attachments

1. Graphics
 - Vicinity Map
 - Land Use Category Map
 - Aerial Map
2. Earl and Janet Moon Abandonment Request – September 9, 2015
3. Public Works Memorandum – September 9, 2015.

Staff report prepared by Kacey Hass and reviewed by Megan Martin and Karen Nall.